

REMARKS

The above-identified application has been reviewed in view of the Office Action mailed on May 27, 2008. It is respectfully submitted that the claims pending in the application are fully supported by the specification, introduce no new matter, and are in condition for allowance.

The Office Action maintained the previous objection to the specification and asserted that the continuation information was deficient. The applicants would like to thank Examiner Nash for the courtesy extended to the applicants' representative, Dana A. Brussel, Esq., during a telephone interview conducted on June 17, 2008. The applicants' representative explained that the chronology of the instant application according to the records in the United States Patent and Trademark Office did not correspond to the actual chronology of the papers filed by the applicants. As evidenced by the interview summary, the Examiner agreed to reconsider the objection. In support of the applicants' position, copies of the preliminary amendment filed with the application on January 8, 2004, the return postcard, and the transmittal form are enclosed. In view of the documentary evidence, it is respectfully requested that the objection be withdrawn.

The Office Action rejected claims 2-7 on the grounds of nonstatutory double patenting over claims 1-39 of U.S. Patent No. 5,312,023 to Green et al. In response thereto, the applicants herewith submit a suitable terminal disclaimer along with the requisite fee. It is respectfully requested that the rejection of claims 2-7 be withdrawn.

Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 21-0550. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 21-0550 therefore.


Appl. No. 10/753,248
Amdt. dated July 24, 2008
Reply to Office Action mailed May 27, 2008

Prompt and favorable action on these claims, namely claims 2-7, is earnestly requested.

Should the Examiner desire a telephonic interview to resolve any outstanding matters, the Examiner is sincerely invited to contact the undersigned at (631) 501-5713.

Respectfully submitted,

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